

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| _____ |) | |
| IN RE PHARMACEUTICAL INDUSTRY |) | |
| AVERAGE WHOLESALE PRICE |) | MDL No. 1456 |
| LITIGATION |) | |
| _____ |) | Civil Action No. 01-12257-PBS |
| |) | |
| THIS DOCUMENT RELATES TO: |) | |
| |) | |
| ALL ACTIONS |) | |
| _____ |) | |

**SECOND AMENDED PRETRIAL ORDER AND
CASE MANAGEMENT ORDER # 28**

Saris, U.S.D.J.

After review of the submissions, I order as follows:

- (1) I will conduct a trial on Classes Two and Three;
- (2) I will give each side additional time. The parties shall suggest a new timetable within a week.
- (3) I will not hold a separate Daubert hearing, but will consider any expert challenge in the bench trial.
- (4) I will not rule on the motions for summary judgment scheduled for hearing in October before trial.
- (5) The parties shall address the feasibility of giving notice to consumers in Class Three before trial.

S/PATTI B. SARIS

United States District Judge